

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

PATRICK LECLAIRE

Plaintiff,

vs.

**BUDDY STORBECK'S DIESEL
SERVICE, INC. d/b/a UD TRUCKS
OF SAN ANTONIO,**

Defendant.

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CIVIL ACTION NO. SA-11-CA-0619

**PLAINTIFF'S UNOPPOSED MOTION FOR
LEAVE TO ENLARGE TIME TO RESPOND TO
DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT**

NOW COMES, Patrick LeClaire, files this, his Plaintiff's Unopposed Motion for Leave to Enlarge Time to Respond to Defendant's Second Motion for Summary Judgment, and respectfully shows the Court as follows:

Plaintiff's response to Defendant's Second Motion for Summary Judgment is due August 3, 2012. As previously noted, Plaintiff's counsel was on vacation through July 9th, 2012 and then in Los Angeles for depositions through July 16, 2012. Upon return from Los Angeles, Plaintiff's counsel fell ill. Plaintiff's counsel has been very ill with a medical condition for the past week and has just returned to the office Tuesday. Plaintiff's counsel is in depositions today and mediation tomorrow. For these reasons, Plaintiff's counsel has not had adequate opportunity to prepare a response to Defendant's Second Motion for Summary Judgment.

Plaintiff has conferred with opposing counsel and they do not oppose enlarging the time for Plaintiff to respond to Defendant's Second Summary Judgment up to and including the 10th of August, 2012.

The purpose of this Motion is not to address any of the merits of Defendant's Second Summary Judgment nor is it to see delay, but it is solely for the purpose so that justice may be done.

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that this Court grant his Unopposed Motion for Leave to Enlarge Time to Respond to Defendant's Second Motion for Summary Judgment up to and including the 10th of August, 2012. Plaintiff also prays for any or further relief, both at law or in equity to which he is justly entitled.

By: /s/ Glenn Levy
Glenn D. Levy
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Attorney for Plaintiff,
PATRICK LECLAIRE

CERTIFICATE OF CONFERENCE

Plaintiff has conferred with Defendant, and Defendant does not oppose this motion.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of Plaintiff's Motion for Leave to Enlarge Time to Respond to Defendant's Second Motion for Summary Judgment was served on all counsel of record via the ECF Federal Filing System on August 2, 2012:

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**COUNSEL FOR DEFENDANT,
BUDDY STORBECK'S DIESEL SERVICE, INC.
D/B/A UD TRUCKS OF SAN ANTONIO**

/s/ Glenn Levy
Glenn D. Levy

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CIVIL ACTION NO. SA-11-CA-0619-HH

**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO
ENLARGE TIME TO RESPOND TO DEFENDANT'S SECOND MOTION FOR
SUMMARY JUDGMENT**

On this day came for consideration, Plaintiff's Unopposed Motion for Leave to Enlarge Time to Respond to Defendant's Second Motion for Summary Judgment. The Court having considered said Motion, and the lack of opposition thereto, hereby GRANTS Plaintiff's Motion. It is therefore,

ORDERED, ADJUDGED, and DECREED that Plaintiff's has until the 10th of August, 2012 to respond to Defendant's Second Motion for Summary Judgment.

Signed on this _____ day of _____, 2012.

UNITED STATES DISTRICT JUDGE
HONORABLE HARRY LEE HUDSPETH